garded the amendment as wholly unnecessary, as Congress had no authority delegated to it by the Constitution to make religous establishments, and he therefore moved to strike the clause out. Mr. Carroll replied:

"As the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hands; and as many sects have concurred in opinion that they are not well escured under the present Constitution, he was much in favor of adopting the words." [74]

Mr. Madison thought if the word "national" was inserted before religion, it would relieve the objections made to the report. He believed that the people feared one sect might obtain a preeminence, or two combine together, and establish a religion to which they would compel others to conform, and believed if the word "national" was introduced, it would point the amendment directly to the object it was intended to prevent.[75]

The matter was finally referred to a committee of three which on August 24, 1789 reported: "Congress shall make no law establishing religion, or prohibiting the free exercise thereof; nor shall the rights of conscience be infringed." [76] It was reported out this way: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

History would seem to justify the conclusion that in presenting this amendment Madison was reflecting the successful sentiment in the struggle which had been carried on in his State over the question of religious freedom. The spirit as well as the language of the amendment was that the general government should forever refrain from manifesting any preference concerning any particular religion; that it must take no part in formulating or establishing a religion of any kind, nor must it prohibit to any person the free and unfettered enjoyment of the religion of his choice. As a covenant between the government and the people on this subject, Congress submitted this amendment, which was promptly ratified by the requisite number of States. It was not aimed at the progress of Christianity or intended to impede its influence.[77] Mr. Justice Story has said:

"The real object of the amendment was not to countenance much less to advance Mohammetanism, or Judaism, or infidelity, by prostrating Christianity; but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the National Government. It thus cuts off the means of religious persecution (the vice and pest of former ages) and of the subversion of the rights of conscience in matters of religion, which had been trampled upon almost from the days of the Apostles to the present age." [78]

This amendment secured forever in the United States the separation of church and state. It prevents national recognition of any particular religious creed, while it does not impair nor diminish the appeal of Christianity, or religion generally.

In his second inaugural address, Jefferson stated the position of government:

"In matters of religion I have considered that its free exercise is placed by the Constitution independent of the powers of the General Government. I have therefore undertaken on no occasion to prescribe the religious exercises suited to it, but have left them under the direction of the church or State authorities, acknowledged by the several religious societies." [79]

Concerning whether the States retained any power over religion, Mr. Jefferson in 1808 wrote:

"I consider the Government of the United States as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercise. This results not only from the provision that no law shall be made respecting the establishing, or free exercise of religion, but from that also which reserves to the States the powers not delegated to the United States. Certainly no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the General Government. It must then rest with the State as far as it can be in any human authority." [80]

It has been recently suggested that since America is now a three-religion country—Protestant, Catholic, and Jewish—rather than a predominantly one-religion Protestant society, the legislative judgments of the colonial period were made on the basis of an entirely different situation in which different standards were applied. It has been further argued that science and industrialism have combined to usher in a new era of secularism in which ancient religious truths are widely disputed, and in which the only role for a government to play and be truly fair is one of obsolute and almost aggressive neutrality.

In 1789 we were emerging from a situation in which each colony had an established church, or barring this had given several religious groups a preferred place and status. The era was one in which the very concept of religious freedom was a revolutionary one. For Madison to propose the first amendment was an important step forward. To say that he meant to place government in a "neutral" position—as against religion on the one hand and secularism or agnosticism on the other—is hardly borne out by the facts. The intention of Madison, Mason, and Jefferson seems to have been that government be neutral about endorsing any particular religion—but not about religion and a belief in God itself.

IV. CONCLUSION

James Madison stated that "The good of society requires that the rules of conduct of its members should be certain and known, which would not be the case if any judge, disregarding the decisions of his predecessors, should vary the rule of law according to his individual interpretation of it." [81]

Perhaps we have traveled a long way in America from those days to these. Even if this is true, even if we are no longer guided by the intent of those who wrote the Constitution, still it is of at least historical value to know and understand what the thinking was about church-state relations in Philadelphia in 1789, and in America during the era of its independence and infancy.

The evidence points to the fact that we are a religious nation. Madison, Jefferson, Mason, Webster, Adams, and other founders of the Republic and authors of the Constitution were devout men. Jefferson said that our rights come from "the Creator." All believed that religion and society went hand in hand, and could not be separated. Each believed in religious freedom, but none believed in an absence of the atmosphere of belief in God from our public life. The preceding review of the relevant events of that era leads to these conclusions. Whether our own era has achieved a contrary consensus of opinion is yet to be determined.

[74] Ibid.
[75] Id. at 1373.
[76] Id. at 1374.
[77] II Howison, "History of Virginia," 297.
[78] "2 Story on the Constitution," 631–632.
[79] "I Messages of the President," 379.
[80] IV Ford, "Life of Jefferson," 174.
[81] *Commonwealth* v. *Posey*, 4 Call. (Va.) 109 (1788).

IMMIGRATION REFORM URGED BY SECRETARY OF STATE RUSK BEFORE IMMIGRATION SUBCOMMITTEE

Mr. HART. Mr. President, earlier today, Secretary of State Dean Rusk appeared before the Judiciary Subcommittee on Immigration and Naturalization in support of S. 1932, the immigration bill I introduced, on behalf of myself and 26 other Senators, to carry out the legislative recommendations of President Kennedy and President Johnson.

At a time when political negativism is so vocal from some quarters, it is refreshing to know this Nation has in the White House a President interested in positive approaches to the problems and issues confronting our society.

In my book, the matter of immigration reform has lain too long in a wasteland of inaction. It is to the great credit of President Johnson that he has put his administration very firmly on the side of positive leadership in yet another important segment of public policy.

I hope, Mr. President, that we in Congress will proceed expeditiously to consider the Senate bill 1932. Immigration reform has broad support on both sides of the aisle, and, I may add, throughout the country. The passage of such a reform measure would be a great achievement for the American people. Morality and commonsense put upon each of us a heavy obligation to pursue this objective.

Mr. President, I highly commend to my colleague Secretary Rusk's articulate statement; and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE DEAN RUSK, SECRETARY OF STATE, ON THE ADMINISTRATION'S PROPOSALS FOR AMENDMENT OF THE IMMIGRATION LAWS (S. 1932 AND H.R. 7700), BEFORE THE SENATE JUDICIARY COMMITTEE, SUBCOMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. Chairman, members of the committee, it is a distinct privilege for me to appear before you today to discuss the administration's proposals in S. 1932 for a revision of our basic immigration laws.

I shall limit my comments this morning to those objectives of the administration proposals which bear on foreign policy and in which my Department, therefore, is deeply interested. I understand that the Attorney General and the Secretary of Labor will discuss internal or national aspects of the proposals. My colleague, Mr. Abba P. Schwartz, Administrator of the Bureau of Security and Consular Affairs, is available at the committee's convenience to discuss the refugee and other aspects of the administration's proposal which I may not cover this morning.

There are three areas which are of particular concern to us. The first is the way in which the present law prescribes the selection of immigrants who are subject to quota restrictions. The second is the differential treatment to which we subject persons of Asian ancestry under our immigration laws; and third is the quota status accorded to immigrants of newly independent former colonial areas in the Western Hemisphere.

tices inconsistent with the peace and safety of this State." [55]

Connecticut

There was no victory for religious freedom in Connecticut until 1818. Connecticut did not create a State constitution for over 40 years after the Declaration of Independence, merely continuing under the old Royal Charter. This fact made it very much easier for the established church of the colony to continue as the established church of the State. To this entrenched congregational group Jefferson was "a man of sin." [56]

Purcell has looked up some of the toasts given at Republican gatherings in Connecticut from 1801 to 1809. They are most suggestive: "Our brethren in Tripoli and Connecticut, may the former be freed from pirates and the latter from priestcraft"—"Church and state united—the cornerstone on which Satan builds his fabric of infidelity." [57]

Religious freedom gained a victory in 1818. The first Governor of the new order was Oliver Wolcott. In his inaugural he said:

"It is the right and duty of every man to worship and adore the Supreme Creator and preserver of the universe, in the manner most agreeable to the dictates of his own conscience; and no man or body of men have, or can acquire, by acts of licentiousness, impiety, or usurpation, any right to disturb the public peace, or control others in the exercise of their religious opinions or worship." [58]

The Connecticut constitution provided that "no preference shall be given by law to any Christian sect or mode of worship." [59] This meant that, although all religious forms were given protection, Christianity was virtually recognized as the State's official belief.

Maryland

This State granted toleration to all Trinitarian Christians in 1649. This was due to the efforts of the Proprietor, Cecil Calvert, Second Lord Baltimore, a Roman Catholic, and its character and significance may be found in descriptions of Lord Baltimore as a "great leader in the cause of religious freedom and liberty." [60] Unfortunately, and not the fault of the original proprietary, this was not of long duration.

Rhode Island

Rhode Island, whose charter was secured from King Charles II in 1663, provided for complete religious freedom. This was due mainly to the efforts of the Reverend John Clarke, a leader of the liberal colony of Aquidneck.[61] He was a coworker of Roger Williams, perhaps the most advanced and effective advocate of religious freedom in colonial times.

Pennsylvania

Pennsylvania, whose "Frame of Government" was granted by William Penn in 1683, provided that all who believed in "One Almighty God" should be protected and all who believed in "Jesus Christ, the Savior of the World" were capable of holding civil office.[62]

New Jersey

In New Jersey, Roman Catholics did not have the right to hold elective office until 1844, although there was no restriction upon Roman Catholics as voters.[63]

[55] V Thorpe, supra, note 17, at 2636–2637.
[56] "Church and State," supra, note 5, at 408–409.
[57] Purcell, "Connecticut in Transition," 191.
[58] Id. at 32.
[59] Id. at 395.
[60] Eckenrode, supra, note 45, at 95–96.
[61] Id. at 34.
[62] "Church and State," supra, note 5, at 364.
[63] Id. at 435.

Echoing Madison's contempt for the idea of mere religious toleration, the Reverend John Leland, a Baptist minister, wrote in 1820 his "Short Essays on Government." He proposed an amendment to the Constitution of Massachusetts to separate church and state. He wrote the following:

"Government should protect every man thinking and speaking freely, and see that one does not abuse the other. The liberty I contend for is more than toleration. The very idea of toleration is despicable; it supposes that some have a pre-eminence above the rest to grant indulgence; whereas all should be equally free, Jews, Turks, Pagans, and Christians. Test oaths and established creeds should be avoided as the worst of evils." [64]

The various States approached the matter of religious freedom differently; some achieved it early in our history, and others took a good deal longer. It was generally thought at this time that although each man should be free to worship as he pleased, worship itself was an affirmative good. It was not thought at this time in our history that government should be neither for nor against religion—that it should be, so to speak, "neutral." Religion was the basis upon which many established the source of our liberty. Jefferson, Adams, and Webster found the dignity of our lives in the all powerful Creator, and not in the state.

The States supported and encouraged religion, in some areas Protestantism, in others Christianity in general, and in several merely a "belief in Providence."

Religious freedom was hard to win in some areas, but eventually was won in all. Few, however, believed that religion and the state were, or ever could be, separate and distinct. In this sense that generation differed from many in this one.

III. RELIGION AND ITS CONSIDERATION AT THE CONSTITUTIONAL CONVENTION

Some light is shed on the question of whether the provisions of the first amendment are meant to be applicable to the States as well as to the National Government by a discussion in "Legacy of Suppression," by Leonard W. Levy, of Brandeis University.

He points out that the original intention of the House of Representatives was to guarantee the freedoms protected by the first amendment against State violation. An amendment proposed to the House by Madison, along with his other recommendations for what became the Bill of Rights, provided that "No State shall violate the equal rights of conscience or the freedom of the press, or the right to trial in criminal cases." [65]

Madison declared, in defense of his proposed restrictions on the States, that they were "of equal, of not greater importance" than the prohibitions against the State enactment of ex post facto laws, bills of attainder, or laws impairing the obligations of contracts. He argued that the powers of the States were more likely to be abused than those of the National Government, if not controlled by the general principle that laws are unconstitutional "which infringe the rights of the community." [66]

He thought it proper that "every government should be disarmed of powers which entrench upon the particular rights of press, conscience, and jury trial." The amendment was all the more needed, he asserted, because some of the States did not protect these rights in their own constitutions. As for those that did, a double security could not reasonably be opposed.[67]

Madison's proposal for a restriction on the States was assigned with his other recommended bills and amendments to a committee of the House selected to frame a Bill of Rights. The committee adopted the proposal but expanded it to include the freedom of speech. The recommendation of the committee to the House was: "No State shall infringe the equal rights of conscience, nor the freedom of speech or of the press, nor of the right of trial by jury in criminal cases." [68]

When this proposal was debated in the House, only one Member declared his opposition. Tucker of South Carolina stated simply that it would be "better * * * to leave the State governments to themselves, and not to interfere with them more than we already do." And he moved to strike out the amendment.[69]

Madison, in reply, declared that he "conceived this to be the most valuable amendment in the whole list." If there was any reason to restrain the Government of the United States from infringing upon these essential rights, "it is equally necessary that they ought to be secured against the State governments." He thought that the people would support the amendment for that reason.[70]

Livermore, of New Hampshire, the only other speaker, agreed with Madison and suggested a slight stylistic change. The House then rejected Tucker's motion and by a two-thirds majority passed the amendment. But it died in the Senate. That body included many, like Tucker in the House, who were jealous of State prerogatives and believed that the Constitution already imposed too many limitations on the States. All we know about the deliberations of the Senate is that a motion to adopt did not receive the necessary two-thirds vote, though by what margin is not recorded. "As a result of the failure of the Senate to pass the amendment, assuming that it would have been ratified, the Constitution of the United States offered against State violation no protection whatever to speech, press, or religion." [71]

This historical fact has been the subject of much discussion. Recent criticism of the Supreme Court's decisions concerning school prayer has used this fact. For example:

"Of course there is no 'constitutional prohibition against any daily religious exercises in the public school.' The Constitution specifically prohibits Congress from passing any law 'prohibiting the free exercise of religion.' Apparently * * * the Supreme Court thinks it can do what Congress cannot constitutionally do. The ruling of the Supreme Court did not change the Constitution." [72]

The first amendment, as introduced by Madison in the House of Representatives, differs materially from its present reading. It read: "The civil rights of none shall be abridged on account of religious beliefs or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner or on any pretext infringed" [73] The amendment occasioned considerable debate in the House and was then referred to the committee of 11. The committee reported the article, which read: "No religion shall be established by law, nor shall the equal rights of conscience be infringed." Mr. Sherman re-

[64] Gewehn, "The Great Awakening in Virginia," 190–191.
[65] "Debates and Proceedings of the Constitution of the United States" (1834), 452.
[66] Levy, "Legacy of Suppression," 221.
[67] Ibid.
[68] Supra, note 65, 1: 783.
[69] Id. at 1: 783–784.
[70] Ibid.
[71] Levy, supra, note 66, at 222.
[72] "Christian Economics," Oct. 29, 1963, 2.
[73] Watson, "The Constitution of the United States" (1910), p. 1371.

I should like to address myself first to the formula by which we select quota immigrants. When Congress in 1924 devised this method, usually referred to as the national origins system, its primary objective was to maintain the ethnic balance among the American population as it existed in 1920.

This system preserves preferences based on race and place of birth in the admission of quota immigrants to the United States. This results in discrimination in our hospitality to different nationalities in a world situation which is quite different from that which existed at the time the national origins system was originally adopted.

Since the end of World War II, the United States has been placed in a critical role of leadership in a troubled and changing world. We are concerned to see that our immigration laws reflect our real character and objectives.

What other peoples think about us plays an important role in the achievement of our foreign policies. We in the United States have learned to judge our fellow Americans on the basis of their ability, industry, intelligence, integrity, and all the other factors which truly determine a man's value to society. We do not reflect this judgment of our fellow citizens when we hold to immigration laws which classify men according to national and geographical origin. It is not difficult, therefore, to understand the reaction to this policy of a man from a geographical area, or of a national origin, which is not favored by our present quota laws. Irrespective of whether the man desires to come to the United States or not, he gets the impression that our standards of judgment are not based on the merits of the individual—as we proclaim—but rather on an assumption which can be interpreted as bias and prejudice.

This basic rule embodying the national origins systems was not intended to be the exclusive principle governing American immigration policy. From the very beginning Congress gave equal weight to our good neighbor policy when it exempted from quota restrictions natives of our sister republics in the Western Hemishpere. Similarly, the Congress recognized the importance of uniting separated families by permitting wives and children of U.S. citizens to join their husbands and fathers outside of any quota restrictions. As the years progressed, the Congress has permitted more and more classes of immigrants to come to the United States irrespective of their national origin. In passing the Displaced Persons Act of 1948, the Refugee Relief Act in 1953, and the Fair Share Refugee-Escapee Act in 1960, the Congress has made major contributions to the solution of the refugee problem. The main objective of these acts was to permit refugees to come to the United States expeditiously without subjecting them to delays as a result of quota restrictions. During the last 7 years the Congress, in five bills, has taken additional steps to ease existing quota restrictions by admitting as nonquota immigrants those quota immigrants who had been waiting for visas for a considerable period of time. As a result of this liberalizing policy of the Congress, only 34 percent of the 2,599,349 immigrants who came to the United States from 1953 through 1962 were quota immigrants.

The action we urge upon you, Mr. Chairman, is, therefore, not to make a drastic departure from a long established immigration policy but rather to reconcile our immigration policy as it has developed in recent years with the letter of the general law. The image held by many here and abroad of our immigration policy is one of discrimination which selects prospective immigrants based strictly on their national origin. This is understandable, since 70 percent of the total authorized annual immigration of approximately 156,000 is allocated to three countries, Great Britain, Ireland, and Germany; and only 30 percent is available for over 100 other countries and areas. A careful examination of our actual immigration policy over the last 10 years reveals that this is not an accurate picture.

The fact that we are a country of many races and national origins, that those who built this country and developed it made decisions about opening our doors to the rest of the world, that anything which makes it appear that we, ourselves, are discriminating in principle against particular national origins, suggests that we think less well of our citizens of those national origins, than of other citizens, and that we are somehow fearful or timid about receiving other such citizens from certain parts of the world.

The national origins principle, rather than the facts of our actual immigration, is picked up by people unfriendly to the United States and made an issue in their countries. This causes political disturbances in the good relations which we would hope to establish.

I therefore urge the committee to reflect in the letter of the law the policy adopted by the Congress during the last decade and to eliminate, with the safeguards proposed by the administration bill, the national origins system which has created an unwholesome atmosphere in our foreign relations.

The administration's proposal eliminates the national origins system on a gradual basis by reducing all quotas by 20 percent each year for 5 years. The present total authorized annual quota admissions of approximately 156,000 would be maintained, except initially all minimum quotas and subquotas would be increased from 100 to 200. These minimum quotas would have the 20-percent reducation each year applied to them.

A quota reserve pool is established by section 2 of the bill before the committee under which all numbers would be allocated by the fifth year. In each of the 5 years constituting the period of transition, the pool would consist of (1) the numbers released from national origin qoutas each year, under the 20 percent progressive reduction plan and (2) numbers assigned to the old quotas but unused the previous year because insufficient demand for them existed in the assigned quota area.

Experience has shown that we have approximately 50,000 visa numbers annually which are unused and are not available for reallocation to other quota areas. These unused numbers are chiefly from the United Kingdom and Irish qoutas.

In the fifth year all quota allocations would be made from the quota reserve pool which would then become a world-wide quota. So that no one country could enjoy a disproportionate amount of numbers from the pool based on registrations of relatively long-standing, the bill provides that no one of the highly oversubscribed quota areas would receive more than 10 percent of the total authorized quota numbers.

A strict first-come, first-served basis of allocating visa quotas would create some problems in certain countries of Northern and Western Europe, which under the national origins system enjoyed a situation where quota numbers were readily available to visa applicants.

To apply the new principle rigidly would result, after a few years, in eliminating immigration from these countries almost entirely. Such a result would be undesirable, not only because it frustrates the aim of the bill that immigration from all countries should continue, but also because many of the countries so affected are among our closest allies. At a time when our national security rests in large part on a continual strengthening of our ties with these countries, it would be anomalous indeed to restrict opportunities for their nationals here. Therefore, the bill allows the President to reserve a portion of the pool for allocation to qualified immigrants, who could obtain visas under the present system, but not under the terms of the bill before the committee, and whose admission would further the national security interests in maintaining close ties with their countries. The bill before you proposes that 50 percent of the pool be available for this purpose. However, since the introduction of the bill we have determined, in consultation with the Attorney General, that 30 percent of the pool would suffice to meet our objective. This is indicated in a projection of estimated admissions for the first 5 years under the bill and in the computation of the estimated percentage of the reserve which will be utilized annually during the first 5 years. I am pleased to offer these charts for the record.

The second issue to which I should like to address myself is our immigration policy toward Asian persons. We urge the Congress to bring to a final conclusion a development which began more than 20 years ago; we do not ask for a drastic departure from existing policy. As you well know, Mr. Chairman, the Congress eliminated the Chinese exclusion laws in 1943 at the request of President Roosevelt. At that time it established a quota which permitted Chinese persons to immigrate to this country. Progressively liberal amendments have followed this well-considered beginning of a revision of our exclusion policy as far as Asian persons are concerned. Race as a bar to naturalization and thereby to immigration was eliminated with the passage of the Immigration and Nationality Act in 1952. That act placed Asian spouses and children of American citizens on equal footing with all other immigrants of non-Asian ancestry by giving them the privilege of nonquota status. The establishment of an upper limit of 2,000 for the so-called minimum quotas in the Asian area, and the rule that the quota of an Asian person born outside Asia be governed by ancestry, remained the only discriminatory provisions in the 1952 act as far as Asian persons are concerned. The 2,000 limit on the number of Asian immigrants from any nonquota area was removed by Congress in 1961. Therefore, only one discriminatory provision remains in the law as far as Asian persons are concerned. This provision requires that an Asian person be charged to an Asian quota even if he was born outside Asia, whether in a quota or nonquota area.

For all practical purposes, Congress has already significantly tempered this provision during the last 10 years by passing the special legislation to which I referred earlier. This observation is best documented by the volume and composition of immigration from the major countries in the Far East—119,677 immigrants came to the United States from China, Japan, and the Philippines from 1953 to 1963. More than 90 percent of these immigrants, 109,654, were nonquota immigrants. Those who read our immigration laws and see that China has access to 205 quota numbers annually while Japan has a quota of 185, and the Philippines a qouta of 100, are unaware of the actual number of immigrants from these countries. Against the background of the volume of Asian immigration into the United States between 1953 and 1963, any increase in the volume of immigration resulting from the proposed amendments would be limited. We deprive ourselves of a powerful weapon in our fight against misinformation if we do not reconcile here too the letter of the law with the facts of immigration and thus erase the unfavorable impression which unjustifiably has become attached to our immigration policy toward Asian persons.

It is of great importance to us from a foreign policy point of view that this last vestige of discrimination against Asian persons

be eliminated from our immigration laws. This action would bring to a logical conclusion the progressive policy the Congress has followed since 1943.

Two aspects of our present immigration laws are a source of misunderstanding and friction in the hemisphere.

A major problem arises from the fact that the Immigration and Nationality Act of 1952 exempts from quota limitations only those persons born in Western Hemisphere countries that were independent at the time the law was enacted. This means that Jamaica and Trinidad—which achieved their independence after the date of the act—are each subjected to restrictions of 100 quota visas annually while their hemisphere neighbors are not. An additional irritant for these two countries is the fact that the language of the present law would grant nonquota status automatically to dependencies on the mainland if they become independent.

The Governments and people of Jamaica and Trinidad have made strong representations asking to be placed on an equal footing with the other American states.

It has long been the policy of the Congress to recognize the unique status of our independent hemisphere neighbors by according them nonquota immigration status. Jamaica and Trinidad are among the friendliest of these neighbors. I urge the committee to remove the accidental discrimination against them by granting nonquota status. The administration's proposal would also accord nonquota status to any dependencies that achieve independence in the future, making it clear to all concerned that there are no second-class countries in the hemisphere family.

The differential treatment accorded Jamaica and Trinidad in the matter of nonquota status is compounded by the so-called Asia-Pacific triangle provisions of existing law which require that persons of Asian ancestry be charged to the quota of their ethnic origin rather than their place of birth. This provision of the Immigration and Nationality Act affects most countries in the hemisphere since in many of them some segment of the population is of Asian ethnic origin.

The question has special importance for Jamaica and Trinidad (roughly 40 percent of the Trinidad population is of Asian ancestry) since the law not only discriminates against these two countries on the basis of nationality by withholding nonquota status, but, in addition, establishes differential treatment for large segments of their populations on the basis of Asian ancestry—even though the persons affected are often generations removed from Asia. Nonquota status for Jamaica and Trinidad would have no significance for these persons unless the Asia-Pacific triangle provisions of the law are repealed. I respectfully urge that such action be taken to remove this last vestige of discrimination—the final step required to place all immigrants from our sister American states on an equal footing.

I realize, you may be concerned about the effect of granting nonquota status to these countries on the flow of immigration to the United States. No doubt this flow will increase slightly as a result of this action, since the United States has always had an attraction for those seeking economic opportunity and political freedom. I do not believe, however, that this increase will be dramatic or injurious to our national interest. We do not ask that the qualitative requirements be lifted or modified for these immigrants. They, as all others, will have to satisfy the public charge provisions of the law. They will have to pass the health, educational, and security tests prescribed by existing law. Furthermore, the Secretary of Labor always has the authority to close the door to immigrants whose admission would adversely affect the working conditions of American labor, or who would take positions for which American labor is available.

Without going into details of the economic aspects of the administration's proposal, on which Secretary Wirtz will expand when he testifies before this committee, I would like to make a few general observations.

When Congress developed the national origins system in 1924, it appears that it may have been fearful that our country would be swamped with vast numbers of untrained and impoverished people. Present-day immigration is very different in volume and makeup from the older migration on which most of our thinking is still based; and its significance for this country is considerably different. Immigration now comes in limited volume and includes a relatively high proportion of older people, females, and persons of high skill and training.

The significance of immigration for the United States now depends less on the number than on the quality of the immigrants.

The explanation for the high professional and technical quality of present immigration lies in part in the nonquota and preference provisions of our immigration laws that favor the admission of highly qualified migrants. But still more it depends on world conditions of postwar economic and social dislocations, discriminations, and insecurities in various parts of the world that have disturbed social and occupational strata not normally disposed to emigrate and has attracted them to the greater political freedom and economic opportunity offered in the United States. Under present circumstances the United States has a rare opportunity to draw migrants of high intelligence and ability from abroad; and immigration, if well administered, can be one of our greatest national resources, a source of manpower and brain power in a divided world.

Mr. Chairman, I urge you and members of this committee to give most careful consideration to the President's proposals embodied in S. 1932. The adoption of these proposals would substantially assist in the conduct of our foreign relations because their impact is much wider than just on our immigration situation. History has made of this country a people drawn from many races, religions, and national origins.

The central issue of our time is between freedom and coercion—between free societies and a world of free nations, on the one hand, and a world in which the human race is regimented under Communist rule. As the great leader of the cause of freedom, we are expected to exemplify all that freedom means. We have proclaimed, again and again, from the Declaration of Independence until the present day, that freedom is the right of all men. The rest of the world watches us closely to see whether or not we live up to the great principles we have proclaimed and promoted. Our blemishes delight our enemies and dismay our friends. In recent legislation, the Congress has reaffirmed our basic commitment to ourselves: that all our citizens are equally entitled to their rights as citizens and human beings.

I believe that the amendments to our immigration laws proposed by the administration would materially strengthen our position in the world struggle in which we are engaged. And if we remain alert and energetic and resolute, and true to the ideas and ideals which gave birth to our Nation and which have now seized the minds of men everywhere, including millions behind the Iron and Bamboo Curtains, I have no doubt as to how the contest between freedom and coercion will be resolved.

Thank you, Mr. Chairman.

U.S. POLICY TOWARD CUBA

Mr. HART. Mr. President, Americans share with Cuban refugees an active desire for the liberation of their homeland; and we are pledged to help defend and strengthen the forces of freedom throughout this hemisphere.

The solemn words of Secretary of State Rusk before the Organization of American States—OAS—last week, put on the line, once again, America's attitude toward the Castro regime and the Communist subversion of this hemisphere. More important, Mr. President, the Secretary's statement and the affirmative steps taken by the OAS reflect our active determination to continue the two longstanding principal lines of strategy for dealing with the menace of Castro's communism. These lines of strategy are summarized well in a white paper issued by the State Department in May 1964:

> First, we must take all possible measures to strengthen the Latin American nations so that they may, through individual and collective means, resist Communist subversion.
>
> Second, we must employ all available instruments of power less than acts of war to limit or reduce the ability of the Cuban Goverment to advance the Communist cause in Latin America through propaganda, sabotage, and subversion.
>
> To the greatest extent possible, we are pursuing both lines of strategy within the framework of the inter-American system.

Mr. President, these lines of strategy reflect the responsible leadership President Johnson is giving to our Nation's foreign relations. I deeply believe they also reflect an American consensus—supported, I may add, by an overwhelming majority of the Cuban exiles—on how to handle Castro.

As the white paper correctly points out—and I emphasize this point, Mr. President—even the most vigorous critics of our Cuban policy reject the taking of steps that involve acts of war.

On the other hand, there currently seems little sign of a possibility to negotiate seriously with the present regime. As President Johnson said recently, we need deeds, not words, from the Castro regime. In my book, this is a long list of deeds, including the release of thousands of political prisoners who Castro finally admits are in his dungeons.

The generally accepted limits of American policy toward Cuba, therefore, are well defined and narrow. It behooves the vigorous critics to bear this factor in mind, and not delude the American people into believing there are prudent alternatives to accomplish miracles overnight.

The disheveled state of Cuban society and the frantic pleas for help by the Castro brothers would indicate that our policy of collective action to isolate Cuba is bearing fruit. There is little doubt in my mind that the United States is in a position of great strength as it continues to cope with the Castro regime. The steps taken by the OAS reinforce our position.

Mr. President, it is hoped that a responsible political alternative to the Castro regime will emerge on the island of Cuba. In the meantime, I am con-